

## **REMARKS**

Applicant notes the nonstatutory double patenting rejection. Applicant will file a suitable disclaimer once the claims in Serial No. 11/430, 542 are allowed.

Claims 35, 47-52, 54, 59 and 60 are rejected under 35 USC 102(b) as being anticipated by McDonnell. McDonnell does not have a recess defining means within which is situated a stoma covering means and which together define a chamber that is pressurizeable with fluid through a fluid entrance port. It also does not have means for sealing the fluid entrance port. Claims 35, 59 and 60, and the claims dependent thereon, have been amended to require those features.

Claims 53, 55 and 58 are rejected under 35 USC 103(a) as unpatentable over McDonnell and Cornwell. However, since Cornwell also lacks a pressurizeable chamber, fluid entrance port and seal, now required by the claims, the proposed combination cannot be said to render Applicant's claims unpatentable. Further, the teachings of McDonnell and Cornwell are clearly incompatible, as there is no practical way these respective devices could be used together as a unit.

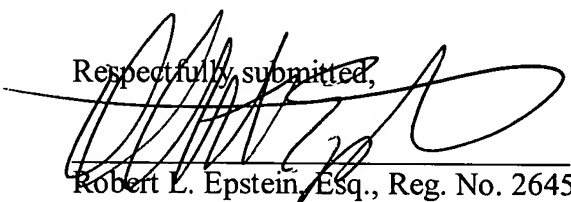
Claims 56 is rejected as unpatentable over McDonnell and Bergmann. However, this proposed combination cannot render claim 56 unpatentable because Bergmann cannot supply the above noted elements lacking in McDonnell. Further, these two devices clearly cannot function as a unit.

Claims 35-41, 46, 52, 59 and 60 are rejected as unpatentable over Eisen in view of Schreiber. However, neither of these references teaches an ostomy device. Neither teaches "adhesive securing means". Further, as a practical matter, no matter how

pressurized a girdle could be, it could never act to sufficiently seal a stoma to "prevent" the passage of fluid and solid waste material.

Claims 42-45 and 47 are rejected as unpatentable over Eisen and Schreiber, further in view of Berenstein. In view of the comments above with respect to the Eisen/Schreiber combination, it is clear that Berenstein's flexible pump does not add the previously noted lacking elements. In addition, none of those references relate to or could be useful as ostomy appliances.

Respectfully submitted,



Robert L. Epstein, Esq., Reg. No. 26451  
EPSTEIN DRANGEL  
BAZERMAN & JAMES, LLP  
Attorneys for Applicant  
60 East 42<sup>nd</sup> Street, Suite 820  
New York, New York 10165  
Tel. No.: (212) 292-5390  
Fax. No.: (212) 292-5391